

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

IRA R. BANKS AND
VERNA BANKS,

Plaintiffs,

Case No. 2:20-CV-01437-JPS

v.

US BANK TRUST ASSOCIATION, ET. AL.,

Defendants.

**OBJECTION OF GRAY & ASSOCIATES, L.L.P. TO PLAINTIFFS' MOTION FOR
DEFAULT JUDGMENT**

Defendant, Gray & Associates, L.L.P. f/k/a Gray & End, L.L.P., objects to the Plaintiffs' Motion for Default Judgment, and in support of its objection, alleges as follows:

1. The Defendant filed a Motion to Dismiss on February 11, 2021 pursuant to Federal Rule of Civil Procedure 12(b)(6). (Dkt. No. 5).
2. Pursuant to Federal Rule of Civil Procedure 12(a)(4), the filing of the Motion to Dismiss alters the answer period as follows:
 - (A) if the court denies the motion or postpones its disposition until trial, the responsive pleading must be served within 14 days after notice of the court's action; or
 - (B) if the court grants a motion for a more definite statement, the responsive pleading must be served within 14 days after the more definite statement is served.
3. The Court has not yet issued a decision with respect to the Defendant's Motion to Dismiss. Consequently, the Defendant is not in default because the answer period has

not expired since none of the triggering events under Federal Rule of Civil Procedure 12(a)(4) have occurred.

WHEREFORE, the Defendant requests that the Court deny the Plaintiffs' motion for default judgment, grant the Defendant's motion to dismiss with prejudice filed on February 11, 2021 and any such further relief as the Court may deem to be just and equitable under the circumstances.

Respectfully submitted this 21st day of May, 2021.

GRAY & ASSOCIATES, L.L.P.

By: 

Christopher C. Drout

State Bar No. 1049882

GRAY & ASSOCIATES, L.L.P.

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CERTIFICATE OF SERVICE

I hereby certify that on May 21, 2021, I electronically filed the following documents using the CM/ECF System for the Eastern District of Wisconsin:

- **Objection of Gray & Associates, L.L.P. to Plaintiffs' Motion for Default Judgment**

The CM/ECF System will electronically send notification of such filings to the registered participants as identified on the Notice of Electronic Filing.

Additionally, paper copies will be sent via U.S. Mail to those indicated as non-registered participants on the Notice of Electronic Filing, including, but not limited to the following:

Ira R. Banks
3321 N 21st St.
Milwaukee, WI 53206

Verna Banks
3321 N 21st St.
Milwaukee, WI 53206

Dated this 21st day of May, 2021.

GRAY & ASSOCIATES, L.L.P.

By: 

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